

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

URIAH MATAMOROS,

Plaintiff,

v.

KERN COUNTY SHERIFF
ADMINISTRATION, et al.,

Defendants.

No. 1:21-cv-00098-DAD-JLT (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
ACTION

(Doc. No. 6)

Plaintiff Uriah Matamoros is a state prisoner proceeding *pro se* in this civil rights action brought pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On March 11, 2021, the assigned magistrate judge issued an order requiring plaintiff to file an application to proceed *in forma pauperis* or pay the \$402.00 filing fee within forty-five (45) days. (Doc. No. 4.) The court cautioned plaintiff that failure to comply with that order would result in dismissal of the action. (*Id.*) The order was served on plaintiff by mail at his address of record. However, on April 1, 2021, the United States Postal Service returned the mail to the court marked as refused and undeliverable.

Accordingly, on June 16, 2021, the assigned magistrate judge issued findings and recommendations, recommending that this action be dismissed without prejudice due to

1 plaintiff's failure to prosecute and failure to keep the court apprised of his current mailing
2 address. (Doc. No. 6.) The findings and recommendations were served on plaintiff by mail at his
3 address of record and contained notice that any objections thereto were to be filed within fourteen
4 (14) days. (*Id.* at 2.) However, on June 29, 2021, the United States Postal Service returned those
5 findings and recommendations as undeliverable because plaintiff was no longer in custody.

6 Plaintiff was required by Local Rule 183 to file a notice of change of address with this
7 court within sixty-three (63) days of the first undeliverable notice and has not done so.

8 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
9 *de novo* review of the case. Having carefully reviewed the entire file, the court finds the findings
10 and recommendations to be supported by the record and by proper analysis.

11 Accordingly,

- 12 1. The findings and recommendations issued on June 16, 2021 (Doc. No. 6) are
13 adopted in full;
- 14 2. This action is dismissed without prejudice due to plaintiff's failure to prosecute
15 and to keep the court apprised of his current mailing address; and
- 16 3. The Clerk of the Court is directed to close this case.

17 IT IS SO ORDERED.

18 Dated: September 23, 2021

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20 UNITED STATES DISTRICT JUDGE
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